

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>BRECKENRIDGE ENTERPRISES, INC.</b>	)	
<b>and AMS STAFF LEASING AND</b>	)	
<b>LENIMENTUS CORP.</b>	)	
	)	
<b>v.</b>	)	<b>3-08-CV-216-L</b>
	)	
<b>MAINSTAY HAWAII, LLC and</b>	)	
<b>MICHAEL D. CHONG</b>	)	

**ORDER, REPORT AND RECOMMENDATION**

Pursuant to the District Court's order of reference filed on May 5, 2008, came on to be heard Plaintiffs' Motion to Compel Discovery and to Hold Defendants in Contempt of Court (Doc. 23) and having considered the relevant pleadings and the statements of counsel for the parties, the court finds and orders and recommends as follows:

Defendants have failed to comply with the terms of this court's order filed on March 26, 2008 (Doc. 14) that is after having been served with the discovery authorized by the court, neither Defendant took any steps to comply timely with the court's order.

The court finds that Plaintiffs have incurred reasonable expenses in the preparation, filing and presenting of their motion in the sum of \$1,000.00, and the court further finds that Defendants' failure to comply with the court's March 26, 2008 order was not substantially justified, nor are there other circumstances which would make an award of expenses unjust.

IT IS, THEREFORE, ORDERED that Defendants will serve their answers to Plaintiffs' Rule 33 interrogatories and their responses and production to Plaintiffs' Rule 34 requests within twenty (20) days of the date of this order unless extended by agreement or on further order of the court for good cause shown. Defendants will be permitted to produce legible copies of documents called for in Plaintiffs' Rule 34 requests at the offices of their counsel in Dallas.


IT IS FURTHER ORDERED that on or before July 14, 2008, Defendants, jointly and severally will pay to Plaintiffs the sum of \$1,000.00 for reasonable expenses incurred.

It is further **RECOMMENDED** that Plaintiffs' motion for civil contempt be denied at this time. However, Defendants are placed on notice that their failure to comply with orders of this court may result in renewed efforts by Plaintiffs to seek a finding of civil contempt.

IT IS, THEREFORE, ORDERED

A copy of this order shall be transmitted to counsel for the parties.

SIGNED this 23rd day of June, 2008.

  
WM. F. SANDERSON, JR.  
UNITED STATES MAGISTRATE JUDGE